

REMARKS

The foregoing amendments and the following remarks are submitted in response to the communication dated July 12, 2005.

Status of the Claims

Claims 21, 24, 27-28, 34-48 and 67 are pending in the application. Claim 26, 51 and 52 has been cancelled without prejudice. Claims 21, 24, 27, 39-44, 47, 48 and 67 have been amended in order to more particularly point out and distinctly claim that which Applicants regard as the invention. Support for the amended claims can be found generally through Applicants' specification.

New Rejections or Objections

Specification

The Examiner objects to the disclosure because she asserts that on pages 78-79, text is missing. Applicants have reviewed the Specification at pages 78-79, and attach hereto copies of pages 78-79 as filed in the instant Application. Applicants cannot, however, identify any particular missing text. Applications request that the Examiner clarify what text she believes is missing.

Claim Objections

Claims 39-42, 43, 44, 47 and 48 are objected to because of particular informalities. Specifically, claims 39-43 are objected to because "An unicellar host" should be "A unicellar host", in order to be grammatically correct. Claims 43 and 44 are objected to because they encompass a host cell that is bacteria wherein the host cell is in tissue culture, however, the Examiner remarks, bacteria are not grown in tissue culture. Claims 47 and 48 are objected to in reciting "according to any claim 43" and "according to any claim 44", respectively, and the Examiner requests deletion of the word "any" in each of these claims. Claim 26 is objected to as being of improper dependent form for failing to further limit the subject matter of the previous claim. Applicants have above cancelled claim 26, without prejudice to further future prosecution. In addition, Applicants have above amended claims 39-43, 44, 47 and 48 to address

the Examiner's objections in each case. Applicants request that the Examiner remove these objections and accept claims 39-42, 43, 44, 47 and 48.

New Claim Rejections – 35 USC §112, Second Paragraph

Claims 27, 36, 38, 40, 42, 44, 46, 48, 52 and 67 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner remarks that these claims are indefinite because they recite "consisting essentially of", which phrase the Examiner asserts refers to compositions so it is not clear how it pertains to a protein. Applicants respectfully disagree and assert that the language and intent of the claim is clear. Notwithstanding Applicants assertion that the claims are definite, in the interest of concluding this prosecution and without prejudice to further prosecution or any presumption of agreement with the Examiner's position, Applicants have above amended the language of claims 27 and 67 and submit that this addresses and obviates the Examiner's objection.

In view of the foregoing remarks and amendments, Applicants submit that the Examiner's above new rejection under 35 U.S.C. §112, second paragraph, may be properly withdrawn.

New Claim Rejections - 35 USC §112, First Paragraph

Claims 24, 26, 27, 34-38, 51 and 52 are rejected under 35 USC §112, first paragraph, because the Specification, which enabling for an isolated DNA molecule encoding on expression a soluble leptin receptor which is a DNA molecule of SEQ ID NO: 9, does not reasonably provide enablement for an isolated DNA molecule encoding on expression a soluble leptin receptor which is the complement of SEQ ID NO: 9. The Examiner asserts that the complement of SEQ ID NO: 9 would not encode the leptin receptor. Applicants have above amended claim 24 to clarify the claim language and assert that this addresses the Examiner's rejection. In claim 24, Applicants claim a DNA molecule of SEQ ID NO:9 and any DNA molecule that codes on expression for the soluble leptin receptor polypeptide encoded by SEQ ID NO:9, including degenerate DNAs.

Claims 51 and 52 are rejected under 35 USC §112, first paragraph, because the Specification, which being enabling for an expression vector comprising DNA encoding a leptin receptor, does not reasonably provide enablement for a transgenic vector comprising DNA

encoding a leptin receptor. Applicants respectfully disagree and submit that the skilled artisan could readily make and test any transgenic vector comprising a DNA molecule encoding the soluble leptin polypeptide of SEQ ID NO:10, encoding amino acids 28-805 of SEQ ID NO:10, or a DNA molecule of SEQ ID NO:9 or its degenerate sequences. While the process of generating transgenic animals may be a complex one, it is well within the capabilities of the skilled artisan. These claims are directed to the vectors and not to the animals. The making of the transgenic vectors is particularly straightforward and not significantly different from the steps and skills required to make and test other expression vectors. Nonetheless, in the interest of concluding prosecution in this case, without admittance or agreement with the Examiner, and without prejudice to continued prosecution, Applicants have above cancelled claims 51 and 52.

In view of the foregoing remarks and amendments, Applicants submit that the Examiner's above new rejections under 35 U.S.C. §112, first paragraph, may be properly withdrawn.

Maintained Objections and Rejections

The Specification Fully Enables the Claimed Invention

Claims 21, 27, 34-48, 51, 52 and 67 remain rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner continues to assert that claims 21, 27 and 67 each encompass a specific nucleic acid sequence encoding a specific polynucleotide, *or allelic variants thereof*, which would not have the same sequences, and that no allelic variants are disclosed in the Specification. Applicants respectfully disagree and point out that various receptor forms, corresponding to variants, are disclosed in the Specification. In addition, it is well within the skill of the artisan to isolate natural allelic variants and to make and test variants including conserved and non-conserved amino acid substitutions in the soluble leptin receptor sequence. Nonetheless, in the interest of concluding prosecution in this case, without admittance or agreement with the Examiner, and without prejudice to continued prosecution, Applicants have above amended claims 21, 27 and 67 to delete this language from the claims.

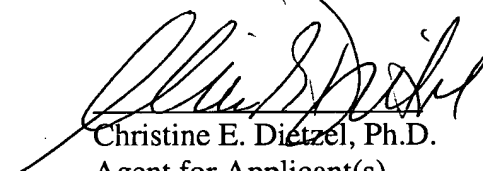
In view of the foregoing remarks, Applicants submit that the Examiner's maintained rejection under 35 U.S.C. 112, first paragraph, may properly be withdrawn.

CONCLUSION

Applicants respectfully request entry of the foregoing amendments and remarks in the file history of the instant Application. The Claims as amended are believed to be in condition for allowance, and reconsideration and withdrawal of all of the outstanding rejections is therefore believed in order. Should the Examiner feel that further issues remain upon a review of this response, she is invited to call the undersigned at the number listed below to effect their resolution. Early and favorable action on the claims is earnestly solicited.

Respectfully submitted,

KLAUBER & JACKSON

A handwritten signature in black ink, appearing to read "Christine E. Dietzel", is written over a horizontal line.

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